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and Alarm.com Holdings, Inc.*

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

ABANTE ROOTER AND PLUMBING, INC.,
GEORGE ROSS MANESIOTIS, MARK
HANKINS, and PHILIP J. CHARVAT,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

ALARM.COM INCORPORATED, and
ALARM.COM HOLDINGS, INC.,

Defendants.

Civil Action No. 4:15-cv-06314-YGR

**DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
MATERIALS DESIGNATED
CONFIDENTIAL**

The Honorable Yvonne Gonzalez Rogers

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants Alarm.com Incorporated and Alarm.com Holdings, Inc. (“Alarm.com” or “Defendants”) submit this Administrative Motion to File Under Seal Materials Designated Confidential (“Motion To Seal”). Specifically, Defendants request permission to file under seal and maintain under seal certain documents designated “Confidential” pursuant to the parties’ Stipulated Protective Order (Dkt. 55).

Defendants seek to maintain as confidential and file under seal Exhibits 2 and 14 to the Declaration of Margaret Schuchardt in Support of Defendants’ Response to Plaintiffs’ Motion for Class Certification. In compliance with Civil Local Rule 79-5(b), which requires requests to seal to “be narrowly tailored to seek sealing only of sealable material,” Defendants only seek to seal limited information as follows:

- a. Exhibit 2 contains excerpts of the transcript of the deposition of Stephen Trundle, the Chief Executive Officer of Alarm.com. Mr. Trundle’s testimony contains information concerning confidential internal strategy, operations, and business decisions; confidential communications; and other non-public information regarding Alarm.com’s contractual relationships with entities who are not parties to this lawsuit.
- b. Exhibit 14 contains three spreadsheets reflecting the names of and contact information for individuals who provided consent to be contacted by Alliance and who are not parties to this lawsuit.

Rule 26(c) of the Federal Rules of Civil Procedure provides broad discretion for a trial court to permit sealing of court documents for, *inter alia*, the protection of “a trade secret or other confidential research, development, or commercial information,” Fed. R. Civ. P. 26(c)(1)(G), including customer contact information. *See Mezzadri v. Medical Depot, Inc.*, No. 14-CV-2330-AJB-DHB, 2015 U.S. Dist. LEXIS 181899, at * 6-7 (S.D. Cal. Dec. 18, 2015) (“A

1 customer list may qualify as a trade secret because of its ‘economic value’ when its ‘disclosure
2 would allow a competitor to direct its sales efforts to those customers who have already shown
3 a willingness to use a unique type of service or product as opposed to a list of people who only
4 might be interested and [the parties] took reasonable steps to protect this information.’”)
5 (citations omitted). Courts allow material to be sealed in cases where, as here, parties’
6 confidential information would otherwise be made public and available to competitors. *See*,
7 *e.g.*, *GPNE Corp. v. Apple Inc.*, No. 12-CV-02885-LHK, 2015 U.S. Dist. LEXIS 92773, at *6-7
8 (N.D. Cal. July 16, 2015). Defendants submit that Exhibits 2 and 14 are appropriately
9 considered confidential and respectfully request that the Court grant this administrative motion
10 to seal.
11

12 Date: March 28, 2017

Respectfully Submitted,

JASZCZUK P.C.

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*Attorneys for Defendants Alarm.com
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CERTIFICATE OF SERVICE

I, Margaret M. Schuchardt, hereby certify that on March 28, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties registered to receive electronic service in the above-captioned action.

Dated: March 28, 2017

Respectfully submitted,

JASZCZUK P.C.

By: /s/ Margaret M. Schuchardt
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